

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CINTHIA THEVENIN, Individually, and as wife of  
EDSON THEVENIN, Decedent, and as Administratrix  
of the Estate of EDSON THEVENIN, and as mother  
and natural guardian, of Infant N.T. and as mother and  
natural guardian of Infant Z.T.,

Plaintiffs,

- against -

THE CITY OF TROY and SERGEANT RANDALL  
FRENCH,

Defendants.

---

STATE OF NEW YORK     )  
                                      )ss:  
COUNTY OF SARATOGA    )

I, ANDREW R. SAFRANKO, ESQ., being duly sworn, do depose and state:

1. I submit this Affidavit in opposition to Plaintiff's request for an Order compelling Sgt. French to produce copies of reports which he prepared, at my direction, in connection with the April 17, 2016 incident.

2. I am Sgt. French's criminal defense attorney in relation to the above incident. My representation of Sgt. French commenced on April 17, 2016 and continues to this day. I spoke with Sgt. French on the night of April 17, 2016 and directed that he not speak or provide any statement written or oral to anyone about the incident without me being present. I formally met with Sgt. French on the morning of April 18, 2016.

**AFFIDAVIT**

Docket No. 1:16-cv-1115(NAM/DJS)

3. As Sgt. French was placed on medical leave following the incident, he did not prepare any report relating to the incident in his capacity as a Police Officer with the Troy Police Department.

4. Sgt. French prepared a Response to Resistance Report, Supplemental Report, and a Post Pursuit Report at my direction, as his counsel.

5. The reports were prepared in relation to my representation of Sgt. French and related to the investigation being conducted by the Rensselaer County District Attorney's Office, the Troy Police Department (criminal and Internal Affairs) and/or the New York State Attorney General's Office.

6. It is my understanding that the aforementioned reports have not been filed with the Troy Police Department or any other agency.

7. Given the foregoing, the reports prepared by Sgt. French are subject to attorney work-product and attorney/client privileges.

WHEREFORE, I ask that the Court deny Plaintiff's request for an Order seeking to compel Sgt. French to produce copies of reports that he prepared in connection with the April 17, 2016 incident.

  
\_\_\_\_\_  
ANDREW R. SAFRANKO, ESQ.

Sworn to before me this  
2 day of January, 2018.

  
Notary Public, State of New York

TRACEY L. YOUNG  
Notary Public, State of New York  
No. 01YO4779555  
Qualified in Saratoga County  
Commission Expires Oct. 31, 2021